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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/820,042

04/08/2004

Sylvain Baratin

11016-0027

7324

22902 7590 02/22/2007

CLARK & BRODY

1090 VERMONT AVENUE, NW

SUITE 250

WASHINGTON, DC 20005

EXAMINER

STRIMBU, GREGORY J

ART UNIT

PAPER NUMBER

3634

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

02/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/820,042

Applicant(s)

BARATIN ET AL.

Examiner

Gregory J. Strimbu

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### ***Drawings***

The drawing correction filed November 22, 2006 has been approved. The drawings, however, are still objected to because the applicant has not used the proper cross sectional shading when showing the invention in cross section. For example, figures 6-9 improperly show the adhesive 7 with a metal cross sectional shading. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because "is disclosed" on line 1 can be easily implied and therefore should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because the description of figures 8 and 9 on page 4 is inadequate since each figure is not described separately. Recitations such as "h" on line 20 of page 7 should be changed to --h-- to avoid confusion. On line 25 of page 9, "an airplane, ....." should be changed to --an airplane.-- to avoid confusion.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). The specification lacks antecedent basis for the claim terminology in claim 13.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “for mounting on a support that is to receive it, on a motor vehicle door” on lines 1-2 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. Is the support on the vehicle door or is the support the vehicle door? Recitations such as “at least one corner of small radius of curvature” on line 3 of claim 1 render the claims indefinite because they are grammatically awkward and confusing. Recitations such as “fixed to the support” on lines 4-5 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the subcombination of a sealing gasket or the combination of a sealing gasket and a support. The preamble of claim 1 implies the subcombination while the positive recitation of the support implies the combination. Recitations such as “a corner of the support” on lines 7-8 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the corner set forth above or is attempting to set forth another corner in addition to the one set forth above. Recitations such as “the two pillar” on line 2 of claim 6 render the claims indefinite because they lack antecedent basis. Recitations such as “for a robot to position on the support receiving it” on lines 4-5 of claim 6 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What element of the invention is the robot positioning? Recitations such as “or” on line 2 of claim 8 render the claims indefinite because it is

unclear which one of the non-equivalent alternatives the applicant is attempting to positively set forth. Recitations such as "treatment operation" on line 3 of claim 12 render the claims indefinite because it is unclear what comprises a treatment operation.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 6, 7, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawai et al. '839. Kawai et al. '839 discloses a sealing gasket 11 for mounting on a support 12 that is to receive it, on a motor vehicle door designed to close a bodywork zone of a vehicle, the support presenting at least one corner of small radius of curvature as shown in the bottom left hand corner of figure 1, the gasket 11 comprising at least a flexible or semi-rigid fixing portion 15 fixed to the support by an adhesive 18 as shown in figure 3, and an elastically-deformable tubular portion 17 for providing sealing, the elastically-deformable portion having a non-deformed cross-section in a free state and a deformed cross-section in a deformed state as shown in figure 6 which is due to a corner of the support, wherein once the gasket has been mounted on its support, said deformed cross-section occupies an area which is substantially within that area occupied by said non-deformed cross-section which is shown when comparing the cross section of the gasket in figures 5 and 6, the

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elastically-deformable portion 17 of the gasket 11 is given a shape extending from its fixing portion that is substantially triangular as shown in figure 6, with two lateral pillars (not numbered, but shown in figure 6 forming the sides of the deformable portion 17) united with each other by an arch (not numbered, but shown in figure 6) and forming between the two lateral pillars, an angle of about 10° to 30° as shown in figure 6, said angle being defined using two straight lines passing substantially through the middles of the pillars at 2/5ths and at 4/5ths of the total height of the gasket measured from its fixing portion, the arch has a reduced thickness, the fixing portion 15 includes bearing portions (not numbered, but shown in figure 6) on opposite sides of the adhesive.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above. Kawai et al. '839 is silent concerning an angle of 20 degrees.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of

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ordinary skill to provide the angle between the two pillars with a value of approximately 20 degrees.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above. Kawai et al. '839 is silent concerning the distance between the inner and outer top portions of the arch of the elastically deformable portion.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of ordinary skill to provide the inner and outer portions of the arch of the elastically deformable portion with a distance greater than 0.7 mm.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above. Kawai et al. '839 is silent concerning reduced gasket height at a corner having a small radius of curvature.

However, one of ordinary skill in the art is expected to routinely experiment with parameters so as to ascertain the optimum or workable ranges for a particular use. Accordingly, it would have been no more than an obvious matter of engineering design choice, as determined through routine experimentation and optimization, for one of



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ordinary skill to provide the gasket with a reduced height at a corner having a small radius of curvature no greater than 2.5mm.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above, and further in view of Weimar. Weimar discloses a reinforcement 20 in a fixing portion 4 of a gasket.

It would have been obvious to one of ordinary skill in the art to provide Kawai et al. '839 with a reinforcement, as taught by Weimar, to increase the strength of the fixing portion.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above, and further in view of Shields. Shields discloses a gasket 10 including a means 31 for weakening the compressibility forces of the gasket.

It would have been obvious to one of ordinary skill in the art to provide Kawai et al. '839 with a weakening means, as taught by Shields, to more accurately control the compressibility of the gasket.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawai et al. '839 as applied to claims 1, 2, 6, 7, 11 and 12 above, and further in view of Hess et al. Hess et al. discloses the use of a spool 20 for supplying a gasket 10 to an assembly line.

It would have been obvious to one of ordinary skill in the art to provide the gasket of Kawai et al. '839 to an assembly line on a spool, as taught by Hess et al., to save space along the assembly line.

### ***Response to Arguments***

Applicant's arguments filed November 22, 2006 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

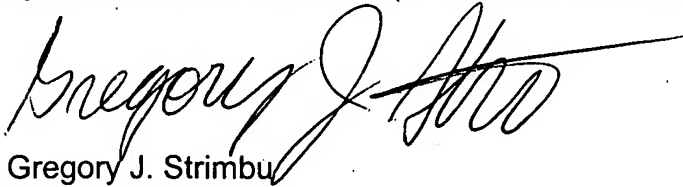
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Gregory J. Strimbu  
Primary Examiner  
Art Unit 3634  
February 7, 2007